



GRASSROOTS ORGANIZING FOR CHANGE

Thursday, July 16, 2020

Chairs Michlewitz and Cronin,

Thank you for accepting testimony on this important issue. I write today as the chair of the Issues Committee of Progressive Massachusetts, a statewide grassroots advocacy group with 18 chapters around the state committed to fighting for equity, justice, democracy, and sustainability.

The tragic deaths of George Floyd and Breonna Taylor in late May brought into stark relief the systemic racism and lack of accountability of law enforcement in the United States, something which communities of color have known and experienced for decades. Allowing police officers to violate the rights of civilians with impunity is an attack on the basic values we so often profess as a commonwealth and as a country.

The systemic racism of law enforcement is man-made, and we can undo systemic racism by intentional policy.

S.2820, the police reform and accountability bill passed by the Senate earlier this week, offers a solid foundation on which to build for ensuring that we have a more holistic sense of what public safety means.

The bill strengthens the use of force standards for all law enforcement agents, creates a majority-civilian Police Officer Standards and Accreditation Commission (POSAC) charged with certifying and decertifying law enforcement officers, establishes a Justice Reinvestment Fund to move money away from policing and prisons and into education and workforce development opportunities, places a moratorium on facial surveillance technology, reduces the school-to-prison pipeline by prioritizing student safety over criminalization, removes barriers to expungement of juvenile records, establishes stronger oversight and limitations on the procurement of military equipment by law enforcement, bans racial profiling in law enforcement, creates a commission on the status of African Americans and (as amended) the Latinx community, and requires increased data collection and reporting. It also bans certain practices that are -- absurdly -- not already illegal, e.g., police officers having sex with individuals in custody (something that can obviously never be consensual).

We urge you to *preserve and strengthen* the reforms of the bill by doing the following:

- **Preserving Section 10 on qualified immunity:** The doctrine of qualified immunity has grown perversely over the past half century and often means that law enforcement officials are able to violate people's basic constitutional rights with impunity. The reforms in Section 10 will ensure that individuals whose rights have been violated are able to sue for civil damages. It is low-hanging fruit as a reform, and the Legislature should take the opportunity.

- **Extending the ban on facial surveillance technology:** Facial surveillance technology is notoriously racist. It is good at telling the differences between the faces of white men but abysmal at discerning the differences between women of color—a crystallization of the biases of the technology’s creators. But even if the accuracy of such technology could be improved, it would remain a violation of people’s right to privacy. The one-year moratorium in the Senate bill is a good first step. A ban, however, is the right way to go.
- **Strengthening the language around the use of force in line with HD.5128:** The Senate bill imposes limitations on the use of tear gas, chokeholds, and no-knock raids, but it does not ban these practices. The tragic cases of George Floyd and Breonna Taylor and the horrific videos of police mistreatment of protesters underscore why limitations are not sufficient: such practices should be banned.
- **Preserving the Justice Reinvestment Fund – but lifting the cap:** The Justice Reinvestment Fund in the Senate bill is an important first step toward the much bigger goal of redirecting our public resources toward the foundations of a humane society and undoing the damages caused by mass incarceration. The House should include it but lift the arbitrary \$10 million cap imposed.
- **Ending the school-to-prison pipeline:** The Senate bill ensures that student information will not be passed to law enforcement agencies or ICE, as such information sharing can risk irreparable harm to students or even deportation for undocumented students. The bill also removes the requirement that every school district has a school resource officer, allowing school districts to make their own decisions. Schools should be safe and welcoming spaces for students, and policy is a vital part of that.
- **Maintaining the independence and civilian-majority status of the Police Officer Standards and Accreditation Commission:** For the commission to deliver on the promise of accountability, it must be independent and must contain a civilian majority in composition. Such a body must also be transparent and subject to public records law.
- **Limiting police interactions:** The best way to reduce incidence of police brutality is to limit police interactions. Steps from decriminalizing homelessness to banning pretextual traffic stops to helping municipalities develop alternative response teams for mental health cases are a vital part of this. Legislation that recently passed out of committee such as the Safe Communities Act and the Work and Family Mobility Act would also help encounter this fundamental goal.
- **Embracing a comprehensive approach to the problem at hand:** The Senate bill takes a comprehensive approach, with additional essential measures outlined earlier in this testimony. We encourage you to embrace such measures and such an approach – or even broaden it – rather than seeking to narrow the scope of the bill.

As the end of the session draws near, the House must act with swiftness and urgency to address one of the most defining issues in our present and our history.

Sincerely,

Jonathan Cohn
 Chair, Issues Committee
 Progressive Massachusetts